

ADRMOP,APPEAL,CLOSED

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:12-cv-03683-TEH**

Electronic Frontier Foundation v. Department of Commerce
Assigned to: Hon. Thelton E. Henderson
Cause: 05:552 Freedom of Information Act

Date Filed: 07/13/2012
Date Terminated: 07/22/2013
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Electronic Frontier Foundation

represented by **Mark Thomas Rumold**
Electronic Frontier Foundation
815 Eddy Street
San Francisco, CA 94109
415-436-9333
Fax: 415-436-9993
Email: mark@eff.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jennifer Ann Lynch
Electronic Frontier Foundation
815 Eddy Street
San Francisco, CA 94109
415-436-9333
Fax: 415-436-9993
Email: jlynch@eff.org
ATTORNEY TO BE NOTICED

V.

Defendant

Department of Commerce

represented by **Victoria R. Carradero**
United States Attorney's Office
Northern District of California
450 Golden Gate Avenue
P.O. Box 36055
San Francisco, CA 94102
415-436-7181
Fax: 415-436-6748
Email: victoria.carradero@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Andrea Newmark
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, N.W., Room 7118
Washington, DC 20530
202-514-4267
Fax: 202-616-8470
Email: Andrea.Newmark@usdoj.gov
ATTORNEY TO BE NOTICED

Jonathan Unruh Lee
United States Attorneys Office
Northern District of California
450 Golden Gate Avenue, 9th Floor

San Francisco, CA 94102-3495
 415-436-6909
 Fax: 415-436-6748
 Email: jonathan.lee@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/13/2012	<u>1</u>	COMPLAINT against Department of Commerce (Filing fee \$ 350, receipt number 34611076387.). Filed by Electronic Frontier Foundation. (Attachments: # <u>1</u> Civil Cover Sheet)(vlk, COURT STAFF) (Filed on 7/13/2012) (Entered: 07/17/2012)
07/13/2012	<u>2</u>	Summons Issued as to Department of Commerce. (vlk, COURT STAFF) (Filed on 7/13/2012) (Entered: 07/17/2012)
07/13/2012	<u>3</u>	ADR SCHEDULING ORDER: Case Management Statement due by 10/10/2012. Case Management Conference set for 10/17/2012 01:30 PM. (Attachments: # <u>1</u> Standing Order)(vlk, COURT STAFF) (Filed on 7/13/2012) (Entered: 07/17/2012)
07/26/2012	<u>4</u>	SUMMONS Returned Executed (FOIA) by Electronic Frontier Foundation. Department of Commerce served on 7/19/2012, answer due 8/20/2012. (Rumold, Mark) (Filed on 7/26/2012) (Entered: 07/26/2012)
08/06/2012	<u>5</u>	Certificate of Interested Entities by Electronic Frontier Foundation (Rumold, Mark) (Filed on 8/6/2012) (Entered: 08/06/2012)
08/16/2012	<u>6</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Department of Commerce.. (Carradero, Victoria) (Filed on 8/16/2012) (Entered: 08/16/2012)
08/16/2012	<u>7</u>	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge (vlk, COURT STAFF) (Filed on 8/16/2012) (Entered: 08/16/2012)
08/17/2012	<u>8</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Hon. Thelton E. Henderson for all further proceedings. Magistrate Judge Donna M. Ryu no longer assigned to the case. Signed by the Executive Committee on August 17, 2012. (cjl, COURT STAFF) (Filed on 8/17/2012) (Entered: 08/17/2012)
08/20/2012	<u>9</u>	<i>Federal Defendant's</i> ANSWER to Plaintiff's Complaint filed by Department of Commerce. (Carradero, Victoria) (Filed on 8/20/2012) (Entered: 08/20/2012)
08/22/2012	<u>10</u>	CLERK'S NOTICE on Reassignment. Case Management Statement due by 10/15/2012. Initial Case Management Conference set for 10/22/2012 01:30 PM in Courtroom 12, 19th Floor, San Francisco. (tmi, COURT STAFF) (Filed on 8/22/2012) (Entered: 08/22/2012)
09/28/2012	<u>11</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Rumold, Mark) (Filed on 9/28/2012) (Entered: 09/28/2012)
10/01/2012	<u>12</u>	NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) (Rumold, Mark) (Filed on 10/1/2012) (Entered: 10/01/2012)
10/02/2012	<u>13</u>	ADR Clerk Notice Setting ADR Phone Conference on 10/17/12 at 10:00 a.m. Pacific. Please note that you must be logged into an ECF account of counsel of record in order to view this document. (sgd, COURT STAFF) (Filed on 10/2/2012) (Entered: 10/02/2012)
10/04/2012	<u>14</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Carradero, Victoria) (Filed on 10/4/2012) (Entered: 10/04/2012)
10/15/2012	<u>15</u>	JOINT CASE MANAGEMENT STATEMENT -(JOINT)- filed by Department of Commerce & Electronic Frontier Foundation. (Carradero, Victoria) (Filed on 10/15/2012) (Entered: 10/15/2012)
10/17/2012		ADR Remark: ADR Phone Conference held by HAH on 10/17/12. (sgd, COURT STAFF) (Filed on 10/17/2012) (Entered: 10/17/2012)

10/18/2012	<u>16</u>	STIPULATION and [PROPOSED] ORDER on <i>SUMMARY JUDGMENT BRIEFING SCHEDULE</i> filed by Department of Commerce, Electronic Frontier Foundation. (Carradero, Victoria) (Filed on 10/18/2012) (Entered: 10/18/2012)
10/19/2012	<u>17</u>	STIPULATION AND ORDER on Summary Judgment Briefing Schedule re <u>16</u> . Signed by Judge Thelton E. Henderson on 10/18/2012. (tmi, COURT STAFF) (Filed on 10/19/2012) (Entered: 10/19/2012)
12/07/2012	<u>18</u>	STIPULATION and [PROPOSED] ORDER ON <i>SUMMARY JUDGMENT BRIEFING SCHEDULE</i> filed by Department of Commerce, Electronic Frontier Foundation. (Carradero, Victoria) (Filed on 12/7/2012) (Entered: 12/07/2012)
12/11/2012	<u>19</u>	STIPULATION AND ORDER on Summary Judgment Briefing Schedule. Signed by Judge Thelton E. Henderson on 12/10/2012. (tmi, COURT STAFF) (Filed on 12/11/2012) (Entered: 12/11/2012)
01/22/2013	<u>20</u>	NOTICE OF MOTION & MOTION for Summary Judgment filed by Department of Commerce. Motion Hearing set for 4/29/2013 10:00 AM in Courtroom 12, 19th Floor, San Francisco before Hon. Thelton E. Henderson. Responses due by 2/11/2013. Replies due by 3/22/2013. (Attachments: # <u>1</u> Declaration, # <u>2</u> Declaration, # <u>3</u> Declaration)(Carradero, Victoria) (Filed on 1/22/2013) (Entered: 01/22/2013)
01/24/2013	21	Correction of Opposition/Response or Reply Deadlines pertaining to <u>20</u> First MOTION for Summary Judgment (Reason: Correcting an error) filed by Department of Commerce. Responses due by 2/20/2013. (Carradero, Victoria) (Filed on 1/24/2013) (Entered: 01/24/2013)
02/20/2013	<u>22</u>	Cross MOTION for Summary Judgment, and <i>Opposition to re <u>20</u> Defendant's Motion for Summary Judgment</i> filed by Electronic Frontier Foundation. Motion Hearing set for 4/29/2013 at 10:00 AM in Courtroom 12, 19th Floor, San Francisco before Hon. Thelton E. Henderson. Responses due by 3/22/2013. Replies due by 4/5/2013. (Attachments: #(1) Declaration of Mark Rumold, #(2) [Proposed] Order)(Rumold, Mark) (Filed on 2/20/2013) (Entered: 02/20/2013)
03/19/2013	<u>23</u>	STIPULATION WITH [PROPOSED] ORDER on <i>SUMMARY JUDGMENT BRIEFING SCHEDULE</i> filed by Department of Commerce, Electronic Frontier Foundation. (Carradero, Victoria) (Filed on 3/19/2013) (Entered: 03/19/2013)
03/20/2013	<u>24</u>	STIPULATION AND ORDER on Summary Judgment Briefing Schedule re <u>23</u> : Set/Reset Deadlines as to re <u>22</u> Cross MOTION for Summary Judgment and <i>Opposition to Defendant's Motion for Summary Judgment</i> , re <u>20</u> First MOTION for Summary Judgment . Responses due by 3/28/2013. Replies due by 4/11/2013. Motion Hearing set for 5/6/2013 at 10:00 AM in Courtroom 2, 17th Floor, San Francisco before Hon. Thelton E. Henderson. Signed by Judge Thelton E. Henderson on 03/19/2013. (tmi, COURT STAFF) (Filed on 3/20/2013) (Entered: 03/20/2013)
03/28/2013	<u>25</u>	REPLY (re <u>20</u> First MOTION for Summary Judgment , <u>22</u> Cross MOTION for Summary Judgment and <i>Opposition to Defendant's Motion for Summary Judgment</i>) filed by Department of Commerce. (Attachments: # <u>1</u> Declaration of Albanese, # <u>2</u> Declaration of Freedenberg)(Lee, Jonathan) (Filed on 3/28/2013) (Entered: 03/28/2013)
04/06/2013	<u>26</u>	NOTICE of Change of Address by Jennifer Ann Lynch (Lynch, Jennifer) (Filed on 4/6/2013) (Entered: 04/06/2013)
04/11/2013	<u>27</u>	REPLY in Support of (re <u>22</u> Plaintiff's Cross MOTION for Summary Judgment; – <i>Opposition to Defendant's Motion for Summary Judgment</i> –) filed by Electronic Frontier Foundation. (Rumold, Mark) (Filed on 4/11/2013) (Entered: 04/11/2013)
05/05/2013	<u>28</u>	STIPULATION WITH [PROPOSED] ORDER for <i>Brief Continuance of Summary Judgment Hearing Date</i> filed by Department of Commerce. (Carradero, Victoria) (Filed on 5/5/2013) (Entered: 05/05/2013)
05/06/2013	<u>29</u>	STIPULATION AND ORDER Continuing Summary Judgment Hearing. Set/Reset Deadlines as to <u>22</u> Cross MOTION for Summary Judgment and <u>20</u> First MOTION for Summary Judgment. Motion Hearing set for 5/13/2013

		10:00 AM in Courtroom 2, 17th Floor, San Francisco before Hon. Thelton E. Henderson. Signed by Judge Thelton E. Henderson on 05/06/2013. (tmi, COURT STAFF) (Filed on 5/6/2013) (Entered: 05/06/2013)
05/08/2013	<u>30</u>	NOTICE of Appearance by Andrea Newmark (Newmark, Andrea) (Filed on 5/8/2013) (Entered: 05/08/2013)
05/10/2013	<u>31</u>	NOTICE filed by Electronic Frontier Foundation of Additional Authorities in Support of re <u>22</u> Plaintiff's Cross MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment; (Notice of Additional Authorities)</i> (Rumold, Mark) (Filed on 5/10/2013) (Entered: 05/10/2013)
05/12/2013	<u>32</u>	CLERK'S NOTICE Continuing Motion Hearing. Set/Reset Deadlines as to re <u>20</u> First MOTION for Summary Judgment, re <u>22</u> Cross MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment</i> . Motion Hearing re-set for 5/20/2013 at 10:00 AM in Courtroom 2, 17th Floor, San Francisco before Hon. Thelton E. Henderson. <i>This is a text only docket entry. There is no document associated with this notice.</i> (tmi, COURT STAFF) (Filed on 5/12/2013) (Entered: 05/12/2013)
05/15/2013	<u>33</u>	STIPULATION WITH [PROPOSED] ORDER <i>Requesting Continuance of Summary Judgment Hearing Date</i> filed by Electronic Frontier Foundation. (Rumold, Mark) (Filed on 5/15/2013) (Entered: 05/15/2013)
05/16/2013	<u>34</u>	STIPULATION AND ORDER Continuing Summary Judgment Hearing Date re <u>33</u> : Set/Reset Deadlines as to re <u>22</u> Cross MOTION for Summary Judgment, and re <u>20</u> First MOTION for Summary Judgment. Motion Hearing set for 6/10/2013 at 10:00 AM in Courtroom 2, 17th Floor, San Francisco before Hon. Thelton E. Henderson. Signed by Judge Thelton E. Henderson on 05/15/2013. (tmi, COURT STAFF) (Filed on 5/16/2013) (Entered: 05/16/2013)
06/03/2013	<u>35</u>	OBJECTIONS to <i>PLAINTIFF'S LATE FILING (Dkt No. 31)</i> filed by Department of Commerce. (Carradero, Victoria) (Filed on 6/3/2013) (Entered: 06/03/2013)
06/05/2013	<u>36</u>	MOTION for Leave to File; <i>Response to Defendant's Objection and Administrative Motion to File Additional Authorities</i> filed by Electronic Frontier Foundation. (Attachments: #(1) Declaration of Mark Rumold, #(2) [Proposed] Order)(Rumold, Mark) (Filed on 6/5/2013) (Entered: 06/05/2013)
06/07/2013	<u>37</u>	OBJECTIONS AND REQUEST to Strike re <u>36</u> MOTION for Leave to File <i>Additional Authorities and Response to Defendant's Objection</i> filed by Department of Commerce. (Carradero, Victoria) (Filed on 6/7/2013) (Entered: 06/07/2013)
06/10/2013	<u>38</u>	Minute Entry: Motion Hearing held on 6/10/2013 before Thelton E. Henderson (Date Filed: 6/10/2013) re <u>20</u> First MOTION for Summary Judgment filed by Department of Commerce, <u>22</u> Cross MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment</i> filed by Electronic Frontier Foundation. (Court Reporter Joan Columbini.) (tlS, COURT STAFF) (Date Filed: 6/10/2013) (Entered: 06/10/2013)
07/12/2013	<u>39</u>	ORDER by Judge Thelton E. Henderson granting <u>36</u> Motion for Leave to File; granting in part and denying in part <u>20</u> Motion for Summary Judgment; granting in part and denying in part <u>22</u> Motion for Summary Judgment. (tehlc2, COURT STAFF) (Filed on 7/12/2013) (Entered: 07/12/2013)
07/22/2013	<u>40</u>	CLERK'S JUDGMENT. (tmi, COURT STAFF) (Filed on 7/22/2013) (Entered: 07/22/2013)
07/22/2013	<u>41</u>	NOTICE OF APPEAL to the United States Court of Appeals for the Ninth Circuit filed by Department of Commerce. (Appeal Fee: FEE WAIVED/Government.) (Carradero, Victoria) (Filed on 7/22/2013) (Entered: 07/22/2013)
07/22/2013	<u>42</u>	STIPULATION WITH [PROPOSED] ORDER <i>ON STAY PENDING APPEAL</i> filed by Department of Commerce, Electronic Frontier Foundation. (Carradero, Victoria) (Filed on 7/22/2013) (Entered: 07/22/2013)
07/23/2013	<u>43</u>	Transmission of Notice of Appeal & Docket Sheet to the United States Court of Appeals for the Ninth Circuit re <u>41</u> Notice of Appeal. (tn, COURT STAFF) (Filed

		on 7/23/2013) (Entered: 07/23/2013)
--	--	-------------------------------------